

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

February 6, 2007

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:04 a.m. February 6, 2007.

- (a) Commissioners were present at the Commission meeting:

Diana M. H. Brenner
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
Kevin Goeden, representing the Commissioner, Department of Labor
David Hannum, Chairman
John Hawkins
Ted Ogle

Commissioners not present at the Commission meeting:

Michael Christoffersen
Jay Gore
M. Burke Jones
James Ridley

- (b) The following departmental and support staff were present during the meeting:

- (1) Agency Support Services, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
William Teeguarden, Executive Administrative Law Judge
John Haines, Code Specialist
John Hibner, Code Specialist
Raleigh Kouns, Code Specialist
Bob Robinson, Code Specialist
Beth Sutor, Secretary

- (2) James Schmidt, Counsel for the Commission
2. **Old Business.**

Chairman David Hannum called for any corrections or a motion to approve the minutes of the January 3, 2007 meeting as distributed. A motion to approve the minutes was made by Commissioner Hawkins and seconded by Commissioner Cundiff. It was voted upon and carried.

3. **Ordinances.**

Richelle Wakefield, Director, Fire and Building Code Enforcement, was represented by James Hawkins. He introduced the Building Code Ordinance No. 3 of 2006, Monterey, Indiana and Building Ordinance No. 2006-20, Auburn, Indiana for consideration, recommending approval. Commissioner Ogle moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

4. **Variances.**

Tabled Variances.

Variance 06-08-18(a)(b) Frank E. Irish, Indianapolis, was represented by Ralph Gerdes, Ralph Gerdes Consultants. The Warren Township Fire Department and Mr. Gerdes had met and had agreed on corrections for two of the three violations. A request to table was made by Mr. Gerdes to allow research for a complete smoke detection system required by the fire department. Ben Coe, Warren Twp. Fire Department, did not object to the request. Commissioner Ogle moved to table with the second by Commissioner Cundiff. It was voted upon and carried. Variance 07-01-4 Greater Ararat Church Panic Hardware for Sanctuary, Ft. Wayne, had no proponent available. It was decided to hear their application later in the meeting to allow them time to arrive. (See below.) Variance 07-01-6(a)(b)(c) Architectural Glass & Metal Storage Addition, Indianapolis, was represented by Michael Balay, architect. The proponent and Warren Twp. Fire Department had been working together, and the fire department, represented by Ben Coe, did not object to the storage of non-combustible metal products on top of the 12' racks if a monitored protection system is installed and a Knox-Box entry system be provided. Commissioner Cundiff moved to approve all three variances based on these conditions. Commissioner Hawkins made the second. It was voted upon and carried. Variance 07-01-11 Festool USA, Lebanon, was represented by Ralph Gerdes, Ralph Gerdes Consultants. The request was to allow a fixed ladder to be installed as a second exit from a storage mezzanine with a common path of travel of 126 feet. The mezzanine is not used by the public and the building will be sprinklered with an ESFR system. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried. Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent for variance 07-01-13(b). Due to site constraints, an elevated floor in the gymnasium addition became necessary. The request was to allow accessible exits from the addition to be areas of refuge. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried. Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent for variance 07-01-15 Creston Middle School Addition and Renovations, Indianapolis. The request was to allow travel distance of 338 feet which is over the amount allowed by code. The building is of non-combustible construction, is sprinklered, and has a smoke detection system. After discussion, Commissioner Brenner moved to approve with the second by Commissioner Cundiff. It was voted upon and carried. Robert Overton, InterDesign, spoke as proponent for variance 07-01-19(a)(b) Sherman Forest East, Indianapolis. Mr. Overton had been directed to research the cost involved in alarm systems and had returned with an initial cost of over \$132,000 and a yearly maintenance fee of \$1,500. A discussion was held of the City of Indianapolis's interpretation of stories and levels as they pertained to the apartment buildings and affected the sprinkler and alarm requirements. Commissioner Hawkins approved both (a) and (b) after discussion, and Commissioner Ogle made the second. The motion was voted upon and carried. Mary Starkes, Director, spoke as proponent for variance 07-01-4 Greater Mt. Ararat Church Panic Hardware for Sanctuary, Ft. Wayne. The request was to not comply with panic hardware on the doors from the sanctuary. The doors are fitted with roller bars on top but no latches or locks. The sanctuary has four exits, two of which are directly to the outside. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

Regular Variances.

Commissioner Corey abstained on variance 07-02-36, Aztar Hotel, Evansville. Commissioner Brenner abstained on variance 07-02-37, The Broadbent Building, Indianapolis. Variance 07-02-25, Central Library Addition & Renovation, Indianapolis was called out for individual consideration. Commissioner Ogle made the motion to approve the following variances with an "A" or "B" review rating by staff with the second being made by Commissioner Hawkins. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 07-02-2 Addition and Renovation Napoleon State Bank, Napoleon
- (2) 07-02-4 e-Enterprise Center, West Lafayette

- (3) 07-02-5 Whitko High School, South Whitley
- (4) 07-02-8 Bayer HealthCare NIS Project Relocation, Mishawaka
- (5) 07-02-9 Prairie Lakes Parkside, Noblesville
- (6) 07-02-11 Holiday Inn Select North Restaurant Renovation, Indianapolis
- (7) 07-02-14 St. John's Health System ER Department Replacement, Anderson
- (8) 07-02-18(a)(b) Midwest ISO, Carmel
- (9) 07-02-19(a)(b) The Copeland Building, Carmel
- (10) 07-02-20 Plainfield High School, Plainfield
- (11) 07-02-22(a) Herron High School, Indianapolis
- (12) 07-02-26 Lifestyle Shops Castleton Mall, Indianapolis
- (13) 07-02-30 Addition and Remodeling for Auntie Mame's Child Development Center,
Indianapolis
- (14) 07-02-32(a) Holy Trinity Greek Orthodox Church, Carmel
- (15) 07-02-34 IU Campus Classroom and Office Building, Bloomington
- (16) 07-02-35 St. Joseph Hospital Medical Office Building Expansion, Ft. Wayne
- (17) 07-02-36 Aztar Hotel, Evansville
- (18) 07-02-38 Green Tree Office at Ft. Harrison, Indianapolis

07-02-37 The Broadbent Building, Indianapolis A motion to table at the request of the
proponent was

specifically included at the time of the block vote by Commissioner Ogle and
seconded by Commissioner Hawkins. It was voted upon and carried.

The following variances were heard separately:

- (19) 07-02-1 Embassy Suites Hotel Indianapolis North, Indianapolis

No proponent was available for questions. Commissioner Ogle moved to table with the second by
Commissioner Hawkins. It was voted upon and carried.

- (20) 07-02-3 Ronald Hathaway Detached Garage, Indianapolis

Ronald Hathaway, owner, spoke as proponent. The request was to be allowed to use a crushed
stone floor in his three and a half car garage at his home until such time as he could afford to pour
a concrete floor which would, in fact, exceed code requirements. The garage would be used to
house his four MG's which are now in a rented storage facility. After discussion, Commissioner
Ogle moved to approve with the condition that the garage was for storage only. Commissioner
Cundiff made the second. It was voted upon and carried.

- (21) 07-02-6 Village Oaks at Greenwood – Painted Exit Doors, Indianapolis

No one appeared to speak as proponent. Since there were questions which were not answered by
the information presented in the application, Commissioner Cundiff moved to table with the
second by Commissioner Ogle. It was voted upon and carried.

- (22) 07-02-7 Monsanto Research Facility, Evansville

Richard Hawks, Architecture Etc., spoke as proponent. The request was to allow the use of a
fixed ladder to access the exhaust fans located on the roof for maintenance. Since these fans are to
be used for approximately one month per year, the need for maintenance is not expected to exceed
once every five or six years. After discussion, Commissioner Hawkins moved to approve.
Commissioner Brenner made the second. It was voted upon and carried.

- (23) 07-02-10 J S & H Parking Garage, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the relocation of an

opening in the wall on the property line, thereby permitting access by the adjoining building. This had been granted before for this building, but it became necessary to move the proposed opening to deal with an obstruction. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Brenner. It was voted upon and carried.

(24) 07-02-12 Greenwood Village, Greenwood

Doug Trent, RTM Consultants, spoke as proponent. The request was to allow a bistro to be placed in a space open to the corridor which would serve soup, sandwiches, coffee, etc., to give a more home-like feel to the environment of the assisted living facility. After discussion, Commissioner Hawkins moved to approve on the condition that no cooking which would produce grease-laden vapors was to be done, smoke detectors were to be installed, and a 1-hour wall was to be wrapped around the area to protect the corridor envelope. The second was made by Commissioner Ogle. It was voted upon and carried.

(25) 07-02-13 Howard Regional Health System Med/Surg/OB Expansion, Kokomo

Doug Trent, RTM Consultants, spoke as proponent. The request was to allow the use of a 2-hour fire barrier to separate the addition. Commissioner Hawkins asked why not use a 3-hour but not structurally independent wall, and a discussion ensued which did not lead to any changes in the application. Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

5. **Breaking and reconvening.** Chairman Hannum recessed the Commission at 10:04 am. He then reconvened the meeting, calling it back to order at 10:14 am.

(26) 07-02-15 University Hospital Cancer Hospital Addition, Indianapolis

Rodney McCullough, RTM Consultants, spoke as proponent. The request was to allow the use of a 2-hour fire barrier wall per NFPA 101, and meeting all other requirements of NFPA 101 for the building as well. The addition will be of type 1B construction and fully sprinklered. Commissioner Cundiff moved to approve with the second by Commissioner Corey. It was voted upon and carried.

(27) 07-02-16 Good Samaritan Cancer Center and Physicians Office, Vincennes

Rodney McCullough, RTM Consultants, spoke as proponent. The request was to allow a 2-hour fire barrier instead of the 3-hour fire wall per code. The areas adjacent to the wall are sprinklered, and at least 50% of the first floor of the building is sprinklered. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

(28) 07-02-17 Riley Hospital for Children Phase V Addition, Indianapolis

Rodney McCullough, RTM Consultants, spoke as proponent. The request is to allow a 2-hour fire barrier per NFPA 101 in lieu of the 3-hour fire wall required by the building code. After discussion, Commissioner Cundiff moved to approve. The second was made by Commissioner Ogle. It was voted upon and carried with one nay vote.

(29) 07-02-21(a)(b) The Waverly at 151, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request for variance (a) was to allow mechanical rooms containing the units' furnaces and necessary piping/wiring which had been interpreted as plenums to be used. During discussion it was noted that the building is protected

with quick-response sprinklers. Commissioner Ogle moved to approve with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) concerned the mechanical closets/rooms which had been cited for not complying with return air plenum requirements, though they were not designed to serve as return air plenums. After a brief discussion, Commissioner Cundiff moved that no variance was required. Commissioner Hawkins made the second. It was voted upon and carried.

- (30) 07-02-22(b)(c) Herron High School, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Herron Art School is being changed over to serve as a charter high school, and an existing masonry structure will house a new egress stair. Variance (b) is a request to allow an existing elevator, a lower level electrical closet and a 2nd floor supply room to open into the enclosure with 90-minute rated doors. Variance (c) was to allow a portion of the lower level corridor to be 5 feet in width instead of the 6 feet required by code. The extra foot is designed to allow for lockers, and this area does not contain lockers. After discussion, Commissioner Hawkins moved to deny (b) with the second by Commissioner Brenner. Further discussion led to the withdrawal of the motion and second. Commissioner Brenner then moved to approve the section of variance (b) for the elevator only and variance (c). Commissioner Ogle made the second. It was voted upon and carried.

- (31) 07-02-23 Renaissance Place, Lafayette

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the doors to the stair enclosure to be locked from the stair side and operable from the floor egress side. One of the tenants of the building's second floor is a bank, requiring security measures. After discussion, Commissioner Hawkins moved to approve for the bank tenant's floor only. Commissioner Ogle made the second. It was voted upon and carried with one nay.

- (32) 07-02-24 Irwin Mortgage - Freedom Mortgage 2nd Floor Suite, Fishers

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the exit path of one of the tenants of the existing building to exit through the space of another tenant. Immediate-release panic hardware which also releases upon loss of power is to be provided. Mark Elder, Fishers Fire Department will support the variance if the hardware is installed and compliance with the variance is made a part of the lease of the space for future tenants. After discussion, Commissioner Ogle moved to approve. The second was made by Commissioner Cundiff. It was voted upon and carried.

- (33) 07-02-25 Central Library Addition & Renovation, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A brief question was asked by Commissioner Brenner. Commissioner Hawkins then made the motion to approve with the second by Commissioner Ogle. It was voted upon and carried with one nay.

- (34) 07-02-27(a)(b) Western Primary/Intermediate School, Russiaville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was a request to allow the outdoor courtyard being created with the additions to the existing building to have exits which are not remote. After discussion of intended use of the space and the reasons for non-compliance, Commissioner Cundiff moved to deny. Commissioner Hawkins made the second. It was voted upon and carried. Variance (b) was to omit sprinklers from the gymnasium addition due to a lack of water in the area to supply the sprinkler system. The gym will have smoke detectors in the corridors and will have four exits with travel distances of less than half allowed by code. Commissioner Cundiff moved to approve with the second by Commissioner Ogle. It was voted upon and carried.

- (35) 07-02-28 Renovations & Additions to Western High School, Russiaville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The labs are being converted to classrooms which now need a second remote exit and door swing in the direction of travel. The actual student count in the classrooms will be less than the calculated 50 occupant load. The area will have smoke detectors installed. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (36) 07-02-29 Bryant Wesleyan Church Addition, Bryant

Tim Callas, J & T Consulting, spoke as proponent. The request is to omit the sprinklers in a multipurpose gymnasium addition. The area does not have city water available to support a sprinkler system, and the addition has more exits than required by code. Fire alarms are also provided throughout. Commissioner Hawkins moved to approve, and Commissioner Ogle made the second. It was voted upon and carried.

- (37) 07-02-31 Mattox Family Physicians, Angola

Tim Callas, J & T Consulting, spoke as proponent. The request is to allow non-compliant data communication cable to run in a return air plenum. The gypsum board plenum is protected with fire and smoke detection systems which shut down ventilation at activation to prevent smoke migration. After discussion, Commissioner Cundiff moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (38) 07-02-32(b)(c) Holy Trinity Greek Orthodox Church, Carmel

Tim Callas, J & T Consulting, spoke as proponent. The request in (b) was to allow the use of fire-retardant treated wood for roof deck construction for the cupola in the sanctuary. The sprinklered building has a 1-hour fire-resistive roof assembly which is 20 feet above the floor. After discussion, Commissioner Hawkins moved to approve. The second was made by Commissioner Brenner. It was voted upon and carried. Variance (c) is to allow a 2-hour fire wall between Type VB and IIB construction in the construction of the cupola to not comply with required structural independence. Protection will be provided by quick response sprinklers on both sides and full length of the fire wall at a maximum of 6 feet on center. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

Commissioner Ridley arrived at the meeting following legislative obligations.

- (39) 07-02-33 Tate & Lyle 17 Building Dock Addition, Lafayette

Tim Callas, J & T Consulting, spoke as proponent. The request was to omit a 3-hour fire wall between the existing warehouse and the 5 bay truck dock addition. The surrounding areas are sprinklered and the addition will have a fire suppression system throughout. No storage is maintained in the area. After discussion, Commissioner Hawkins moved to approve. Commissioner Cundiff made the second. It was voted upon and carried.

6. **Discussion and Possible Commission Action**

David Foster
Order – Division of Elevator Safety
Administrative Cause No. 06-32
Notice of Commission Action

After James Schmidt, Counsel for the Commission, provided a brief review of the options available to the members of the Commission, Commissioner Ogle made the motion to affirm the findings of the Administrative Law Judge. Commissioner Cundiff made the second. It was voted upon and carried.

7. **New Business – General.**

Discussion and Possible Action

Project No. 310342
Condition of CDR
Administrative Cause No. 05-37
Nonfinal Order of Dismissal

Waterford Park Retail Center Development
Request for Refund
Administrative Cause No. 06-22
Nonfinal Order of Dismissal

Fathers and Families Center
Condition of CDR
Administrative Cause No. 06-48
Nonfinal Order of Dismissal

Commissioner Cundiff moved to approve the Nonfinal Orders of Dismissal. Commissioner Corey made the second. It was voted upon and carried.

Discussion and Possible Commission Action

Parker Building
Variance Requests 06-07-2(d)(h)
Administrative Cause No. 06-36
Remand to Commission

Ralph Gerdes, Ralph Gerdes Consultants, speaking as the proponent, requested this be tabled for 60 days. While the appeal is in progress, the elevator in question is being used. Commissioner ogle moved to grant the 60 day extension with no more being allowed. Commissioner Cundiff made the second. It was voted upon and carried with one nay vote.

Discussion and Commission Action On Petitions For Review (All are timely field unless otherwise noted.)

North Montgomery High School
Order – Crawfordsville Fire Department

Trader's Point Creamery

Order – Pike Twp. Fire Department

Winslow Crossing
Order – Fire and Building Code Enforcement

Rock Lobster
Order – Indianapolis Fire Department

Hillcrest Shoppes
Project #307172

Commissioner Ogle moved to approve the petition for review. Commissioner Cundiff made the second. It was voted upon and carried.

8. **Discussion of revised variance application.**

Mara Snyder, Director of Code and Legal Services, apologized that the revised variance application was not yet available and discussion would need to be postponed.

10. **Comments.**

Mara Snyder, Director, Code and Legal Services, noted the code review committees are moving forward quickly. She invited those interested to view the agendas and the minutes for the committees which are available on the website.

11. **Adjournment.**

Chairman Hannum called for further business. There being none, he adjourned the meeting at 2:40 p.m.

APPROVED

David Hannum, Chairman